

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-22538-ALTMAN/REID

PIERCE ROBERTSON, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

_____ /

DEFENDANTS' NOTICE OF FILING
THE DECLARATION OF RYAN MACKEY
IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER
VENUE TO THE NORTHERN DISTRICT OF TEXAS [D.E. 90]

NOTICE IS HEREBY GIVEN that Defendants MARK CUBAN and DALLAS BASKETBALL LIMITED d/b/a DALLAS MAVERICKS, by and through undersigned counsel, hereby file the Declaration of Ryan Mackey in Support of Defendants' Motion to Transfer Venue to the Northern District of Texas and Memorandum of Law in Support Thereof [D.E. 90].

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 31, 2023, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I ALSO CERTIFY that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No: 1:22-cv-22538 (Altman/Reid)

PIERCE ROBERTSON, RACHEL GOLD,
SANFORD GOLD, RAHIL SAYED,
CHRISTOPHER EHRENTAUT, TODD
MANGANIELLO, DAN NEWSOM, WILLIAM
AYER, ANTHONY DORN, DAMECO GATES,
MARSHALL PETERS, and EDWIN GARRISON,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

MARK CUBAN, et al.

Defendants.

**DECLARATION OF RYAN MACKEY
IN SUPPORT OF DEFENDANTS MARK CUBAN'S AND DALLAS BASKETBALL
LIMITED'S MOTION TO TRANSFER VENUE TO
THE NORTHERN DISTRICT OF TEXAS**

I, Ryan Mackey, under penalty of perjury, state as follows:

1. I am a Senior Vice President at the Dallas Basketball Limited d/b/a Dallas Mavericks (the “Mavericks”), and submit this declaration in support of the Mavericks’ and Defendant Mark Cuban’s (“Mr. Cuban,” and collectively with the Mavericks, “Defendants”) Motion to Transfer Venue to the Northern District of Texas (the “Transfer Motion”). Except as otherwise indicated, I submit this declaration based on personal knowledge.

2. I began my career with the Mavericks in 1999 and have been Senior Vice President for the past four years. At all relevant times, I have worked out of the Mavericks’ Dallas offices. I personally led the negotiations, as discussed below, which began in early September 2021, on behalf of the Mavericks with Voyager Digital Holdings, Inc. (“Voyager”) up through and including the announcement of a Sponsorship Agreement (the “Sponsorship Agreement”) with Voyager in late October 2021. Thereafter, I led efforts on behalf of the Mavericks to implement the terms of the Sponsorship Agreement, until Voyager’s bankruptcy filing in early July 2022. I personally interacted with all the Voyager employees listed in paragraph 6 below.

3. On or about August 19, 2021, I was first introduced to the possibility of Voyager’s interest in becoming a corporate sponsor of the Mavericks by [REDACTED], a sports marketing and management agency. [REDACTED] indicated that Voyager was interested in becoming a potential corporate sponsor of the Mavericks. On September 8, 2021, [REDACTED] introduced me via email to the following Voyager employees: Erika Szychowski, Pam Kramer, and Stephen Ehrlich. I soon learned that Ms. Szychowski was in charge of Voyager’s day-to-day efforts to explore a sponsorship agreement with the Mavericks, and further learned that she lived in Austin, Texas, working “virtually” from home for Voyager. After this initial contact, I led the negotiation efforts of the Mavericks from Dallas, Texas, and ultimately attended the October 27, 2021 Press Conference in Dallas announcing the Sponsorship Agreement. The Mavericks hired a local Dallas vendor to assist in taping the Press Conference. After the Press Conference, I was the primary point of contact for the Mavericks and Voyager in connection with the parties’ ongoing performance under the Sponsorship Agreement. For her part, Ms. Szychowski led the day-to-day negotiation efforts, and all subsequent efforts after the Sponsorship Agreement was reached, for Voyager from Austin, Texas, other than when I met with her and other members of her Voyager team in Dallas on several occasions in October 2021. All such negotiations, apart

from in-person meetings in Dallas, were conducted by videoconferences, phone calls, or emails. At no point in time did I, nor to my knowledge, any Mavericks employee conduct any negotiations with Voyager other than while in Texas.

4. While I led negotiations of sponsorship-related features of the agreement, I was assisted by Kyle Tapply, a Senior Director of the Mavericks (who reports to me), who was also based at all times in Dallas. All other Mavericks employees who assisted me in such negotiations or in performance of the Sponsorship Agreement did so while based out of the Mavericks' Dallas offices.

5. From September 8, 2021 onward, as noted, my primary contact with Voyager was Ms. Szychowski, a Voyager Senior Vice President of Brand Marketing & Partnerships. To my recollection, Ms. Szychowski at all times was located in Austin, Texas while communicating with either me or employees of the Mavericks via phone or video conference during 2021 and 2022, other than when she came to Dallas for in person meetings or events relating to the Sponsorship Agreement. For example, Ms. Szychowski (and other members of her team) came to Dallas on or about October 14, 2021 and met with me (and members of my team) to advance discussions in connection with the potential Sponsorship Agreement. I also met Ms. Szychowski in person on or about October 26, 2021, when she came to Dallas with other Voyager employees (as explained further below) in connection with finalizing the Sponsorship Agreement and the public announcement that Voyager had become one of the Mavericks' corporate sponsors. It is my understanding that Ms. Szychowski visited the Mavericks facilities in Dallas at least four (or more) times during 2021, and at least four (or more) times during 2022.

6. I and Mavericks employees reporting to me primarily communicated with the following Voyager employees, in connection with negotiation of the Sponsorship Agreement and the performance of the Sponsorship Agreement after its execution. Upon information and belief, these Voyager employees lived and/or worked out of the following locations at all relevant times:

- Erika Szychowski (Austin, TX). Ms. Szychowski is a Senior Vice President at Voyager.¹

¹ To my understanding, Ms. Szychowski continues to be employed by Voyager and continues to live and work remotely from Austin, Texas. I am advised that the other Voyager employees identified in this Declaration all continue to reside in the same locations as identified herein.

- Pam Kramer (San Francisco, CA). Ms. Kramer is the Chief Marketing Officer at Voyager.
- Meghan Leaver (Park City, UT). Ms. Leaver is a Director of Brand Partnerships at Voyager.
- Kara Galloway (Phoenix, AZ). Ms. Galloway is a Senior Manager of Brand Partnerships at Voyager.
- Steve Ehrlich (New York, NY). Mr. Ehrlich is co-founder and CEO of Voyager.
- Brooke Jones (Brooklyn, NY). Ms. Jones is a Senior Events & Activations Manager at Voyager.

7. In addition I had communications in connection with the introduction of Voyager to the Mavericks with the following two employees at [REDACTED]:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

8. From August 2021 through June 2022, I participated in approximately 20 videoconferences with Ms. Szychowski and other Voyager employees, and many more phone calls, generally on a weekly (and at times during the negotiations, daily) basis in connection with initially the negotiation of the Sponsorship Agreement, and after its execution, the parties' performance of the Sponsorship Agreement. At all times, again, Ms. Szychowski was working in Austin, Texas.

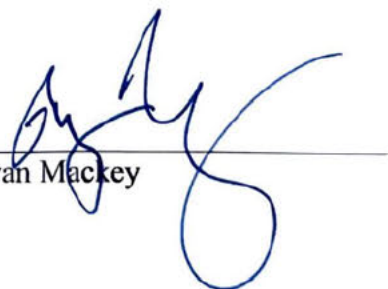
9. I met Ms. Szychowski, Mr. Ehrlich, and Ms. Kramer in Dallas, Texas at Mavericks' facilities on or about October 14 and again on or about October 26, 2021, in the days leading up to the Sponsorship Agreement's announcement, which occurred on October 27, 2021 in Dallas. During these meetings, I (and members of my team) continued to personally negotiate the terms of the Sponsorship Agreement with Ms. Szychowski (and other members of her Voyager team). Ms. Szychowski and I also attended the Press Conference. During the week of the Press Conference, I attended two Mavericks games with the foregoing Voyager employees (on October 26 and October 28), as well as, upon my best recollection, other Voyager employees. October 28, 2021 was Voyager's launch night at the American Airlines Center in Dallas, when the Voyager team launched the sponsorship to Mavericks fans. I attended the launch event at the American Airlines Center in Dallas with Ms. Szychowski and other members of her team.

10. On December 17, 2021, members of the Voyager team, including Mr. Ehrlich and Ms. Szychowski, came to the Mavericks' facilities for an educational session for Mavericks employees, including Mr. Tapply and me (during a Mavericks employee holiday party), during which Mr. Ehrlich made a presentation to Mavericks employees regarding cryptocurrency.

11. Ms. Szychowski also frequently attended other Mavericks games in Dallas in 2021 and 2022, and at times, was joined by Mr. Ehrlich and other Voyager employees. During and after the execution of the Sponsorship Agreement, I communicated with Ms. Szychowski via weekly videoconferences to discuss performance implementation under the Sponsorship Agreement and other features of the Sponsorship Agreement. I was in my Dallas offices during all such weekly videoconferences. Ms. Szychowski and other Voyager employees, as noted, visited the Mavericks' facilities in Dallas at least four times (or more) in 2021 (including to work on the Sponsorship Agreement and its announcement in late October) and at least four (or more) times in 2022 (to work on the Sponsorship Agreement and also to attend Mavericks games, as well as the March 2022 Mavs Ball, a charity fundraiser). Specifically, Voyager employees, including Mr. Ehrlich, Ms. Szychowski, and Ms. Kramer requested groupings of tickets for Mavericks home games on: October 26, 2021, October 28, 2021, December 15, 2021, February 8, 2022, March 3 and 5, 2022, April 10, 2022, and May 22, 2022. It is my understanding that Ms. Szychowski and Mr. Ehrlich also visited Frisco, Texas (just outside of Dallas) for other Mavericks-related matters, such as Mr. Ehrlich giving an educational presentation on cryptocurrency on or about February 9, 2022 at a luncheon for the Texas Legends, an NBA G League (a "minor league") team associated with the Mavericks, which one or more members of my staff attended.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th of January, 2023 in Dallas, Texas.

By: 
Ryan Mackey